HIGH COURT OF CHHATTISGARH, BILASPUR
W.P.(S) No. 5255/2007

PETITIONER Smt. Sushila Lakra w/o Shri Mitwa Bada, aged about 41 years, occupation, service, working as Assistant Teacher, posted at Primary School, Kenapara Kurwa, Block Surajpur, District Surguja(CG), resident of Satpata, Vishrampur, Block and Tahsil Surajpur, District Surguja(CG)

Versus

RESPONDENTS
1. The State of Chhattisgarh, through Secretary Scheduled Caste, Tribe Welfare Department, Mantralay DKS Bhawan, Raipur(CG)
2. Director, Directorate of Scheduled Caste/Tribe Welfare Chhattisgarh, Raipur(CG)
3. The Collector, Surguja at Ambikapur, District Surguja(CG)

Writ Petition Under Article 226 of the Constitution of India.

Appearance:
Shri Rakesh Anthony, counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(12.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Assistant Teacher, has been transferred from Primary School, Kuruwa Kenapara, Surajpur to Boys Primary School Kusmi on administrative grounds.

Learned counsel for the petitioner argues that the husband of the petitioner is also in government service, therefore, if the order is given effect to, it shall create hardship to the petitioner. He also submits that in this regard, a representation has been filed by the petitioner vide Annexure P-4 before the concerned authority, but no decision has been taken on the said representation.

Needless to say that these are not the grounds for interfering with the order of transfer by the Court of law. It is almost settled by the Apex Court that the transfer is an incidence of service and

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nobody, working on the transferable post, can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of efficient functioning of the department. Unless the order of transfer is vitiated by malafide or extraneous consideration or is against any statutory Rule or Act, it cannot be interfered by a Court of law, is the settled view of the Supreme Court.

For the foregoing reasons, I am not inclined to entertain this petition on the above grounds.

The petition is dismissed. However, the concerned authority shall be free to dispose of the representation in accordance with law at the earliest.

Sd/-
Sunil Kumar Sinha
Judge

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